

Appn. Number 10/826,824 Aguirre-Aoki Art Unit 3751

Page 5
of 9**REMARKS**

General arguments.

Applicants agree with Examiner on claims 2 - 4; many methods of attachments will allow for writing instrument to rotate without reeling and entangling the tether while writing.

Applicants agree with Examiner that attachment of tether to writing instrument is not critical and therefore will not attempt to distinguish against prior art of Stewart (2502680)

However, by the above amendment, applicants have amended remaining Claim 1 more particularly and distinctly so as to overcome the Office Action objections and rejections. The method of securing instrument AND tether is different and unique in comparison to Treadway(1577272) Shakkit(1367433), Holywell(1462108) and Ziporyn(1322862). Although patents Treadway, Shakkit, Holywell, and Ziporyn may seem similar, they are too obtrusive to be worn by students, teachers and by people in modern society. Failing to create an invention that is highly useful yet still convenient to wear in common settings and everyday workplaces defeats their utility. Applicants' invention is useful and omits all the inconvenient mechanical parts with creative use of simple,

Appn. Number 10/826,824 Aguirre-Aoki Art Unit 3751

Page 6
of 9

comfortable, attractive and inexpensive parts and materials. Applicants' invention's unique and simple design surpasses prior art as further explained below.

Failure of Prior Art But Success with New Invention

Prior art Treadway, Ziporyn, Shackitt and Holywell have failed to make a wristband that is streamlined and convenient for use by people in modern societies. Although the cited patents provide some utility, they are obtrusive, cumbersome, heavy and non-practical for use in many places where applicants' invention will function much more conveniently, comfortably, and fashionably. The applicants' invention can be relatively inexpensive and simple to manufacture, whereas the cited prior art is not cost-effective for production.

Failed Appreciation

Prior art Treadway failed to demonstrate creative restraint of the tether without the use of heavy, obtrusive and inconvenient parts. Shakkit and Ziporyn both failed to produce a method of securing tether when not in use by the wearer.

Inoperative References

THIS PAGE BLANK (USPTO)